

C O P Y

THE WHITE HOUSE

WASHINGTON

December 29, 1953

MEMORANDUM TO:

Mr. Roger Jones  
Assistant Director for Legislative Reference  
Bureau of the Budget

Attached is letter dated December 22, 1953, addressed to me by Wm. F. Rogers, Deputy Attorney General, together with copy of letter of November 25 from Nelson A. Rockefeller, Acting Secretary, Department of Health, Education, and Welfare, to the Attorney General, recommending a change in the wording of Section 8(a) (1) (iv) of E. O. 10450.

I would appreciate it if you would obtain and coordinate the opinions of the interested departments and agencies in connection with this proposal.

A/ B.M.S.

Bernard M. Shanley  
Special Counsel to the President

Attachment

CC: Wm. F. Rogers

\*NSC Declassification/Release Decision on File\*

DEPARTMENT OF JUSTICE  
Office of the Deputy Attorney General  
Washington

December 22, 1953

Honorable Bernard M. Shanley  
Special Counsel to the President  
The White House  
Washington, D. C.

Dear Mr. Shanley:

There is enclosed for your information and consideration a copy of a letter dated November 25, 1953, from Nelson A. Rockefeller, Acting Secretary of the Department of Health, Education, and Welfare, with respect to Section 8(a) (1) (iv) of Executive Order 10450. That Section provides that investigations conducted pursuant to the order

"shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

\* \* \* \*

(iv) An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure." (emphasis supplied)

The Department of Health, Education, and Welfare proposes to substitute the following:

"Any illness which in the opinion of a medical expert produces a significant defect in the judgment or reliability of the employee in the performance of his duties, with due consideration to the transient or permanent nature of the defect."

It appears that this proposal follows a study by experts in the Department of Health, Education, and Welfare and consultation with the American Psychiatric Association.

This Department has received, directly and by reference, a number of vigorous protests from eminent and responsible medical associations and physicians regarding the wording of Section 8(a) (1) (iv). It is contended that this provision is both unfair and ineffective. It is stated that the determination of risk associated with any medical disorder is a matter for clinical judgment and cannot be achieved by any formula. In addition, it is said to impose a burden and a stigma on those who are already burdened, and that if this section is not deleted Government employees will be reluctant to seek medical attention when it is most needed rather than take the chance of the possibility of dismissal. It is urged that only qualified physicians can determine whether a patient's psychiatric symptoms are such as can affect the Government's security.

Objection is also made to the term "neurological disorder". Neurologists are of the opinion that there is little possibility of a threat to Government security in the vast majority of organic diseases of the nervous system so long as no serious brain degeneration is produced. Also, very often these diseases are chronic in nature with slight possibility of cure, although they do not impair a patient mentally or emotionally.

All of those who have protested have been advised by this Department that the objections are considered relevant and would receive serious study in the further development of the Personnel Security Program. In view of Mr. Rockefeller's letter this may be the appropriate time to take definite action. Since this is a matter pertaining to the Office of the President it is referred to you. This Department has no objection to the amendment proposed by Mr. Rockefeller, and does not believe it will interfere with the effective operation of the Security Program. However, before any action is taken, you will undoubtedly wish to refer this matter to the Bureau of the Budget to obtain the views of the interested departments and agencies of the Government.

Sincerely,

/s/ WILLIAM F. ROGERS

Deputy Attorney General

Enclosure

C O P Y

DEPARTMENT OF  
HEALTH, EDUCATION, AND WELFARE

November 25, 1953

Dear Mr. Attorney General:

This is in further reference to my letter to you of August 17, 1953, with respect to the wording of Section 8(a) (1) (iv) of Executive Order 10450, which now reads:

"An adjudication of insanity, or treatment for serious mental or neurological disorder without satisfactory evidence of cure."

There have been a number of protests made to the President, Members of Congress, and this Department by individual psychiatrists, the American Medical Association, and the American Psychiatric Association about this wording. On the basis of these objections, I have had the matter studied thoroughly by experts in this Department who also have consulted with the American Psychiatric Association.

On the basis of our study it is my recommendation that the aforementioned Section 8(a) (1) (iv) of Executive Order 10450 be deleted and that the following language be substituted in lieu thereof:

"Any illness which in the opinion of a medical expert produces a significant defect in the judgment or reliability of the employee in the performance of his duties, with due consideration to the transient or permanent nature of the defect."

I am making this recommendation because I believe that the new wording will better serve the purposes intended by the issuance of the Executive Order.

Sincerely yours,

/s/ NELSON A. ROCKEFELLER

Acting Secretary

The Honorable  
Attorney General  
Department of Justice  
Washington 25, D. C.

- (iv) Any illness of a nature which competent medical authority indicates may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing nature of the illness and the medical findings in such case.